

### **REMARKS**

Claims 40, 42-48, 56, and 58-69 are pending. Claims 1-39, 41, 49-55 and 57 have been canceled. Claims 67-69 have been added. No claims have been allowed.

The Examiner rejected Claims 40, 42-48, 56 and 58-66 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,277,005 to Hellwig et al. ("Hellwig et al. '005") in view of U.S. Patent No. 5,038,539 to Kelley et al. ("Kelley et al. '539").

Hellwig et al. '005 discloses a partition system including individual panels 2 each having frames 10, shown in Fig. 2. With further reference to Figs. 3-6, frames 10 include vertical members 12 and horizontal members 14. Each horizontal member 14 includes an upper member 15 which, as may be seen in Figs. 4 and 6, includes a pair of upwardly-directed vertical flanges, and a lower member 17 that includes a pair of downwardly-directed vertical flanges. As shown in Figs. 4 and 6, covers 4 are attached to frame 10 between pairs of the vertical flanges of frame members 15 and 17. Although the disclosure of Hellwig et al. '005 does not appear to discuss the attachment of covers 4 in detail, based on Figs. 4 and 6 it appears to Applicants that covers 4 are attached to frames 10 by first inserting upper clips (unnumbered) on the rear side of a cover 4 behind the downwardly-directed vertical flanges of the lower member 17 of an upper horizontal member 14, and then inserting lower clips (unnumbered) on the rear side of a cover 4 over the upwardly-directed vertical flanges of the upper member 15 of a lower horizontal member 14, allowing the lower clips to rest on the upwardly-directed vertical flanges of upper member 15 of the lower horizontal member 14 by gravity. Kelley et al. '539 has been cited for disclosing a partition system which utilizes interior space within the partition panels for storage.

Independent Claims 40, 56, and 61, as amended, each call for a partition system including a framework, at least a pair of track members mounted to a side of the framework, the track members including mutually-facing tile receiving channels, and at least one tile including upper and lower edges, the tile mounted to the framework by receipt (Claims 40 and 56) or retention (Claim 61) of the upper and lower edges of the tiles within the tile-retaining channels of the track members.

Referring to Figs. 1, 13A, 13B, 14, 16A and 42 of the present application, track members 146 are mounted to the partition system framework (such as by hanging same from the framework, for example, as shown in Figs. 13A and 14), and are disposed outwardly of the framework interior. A

pair of vertically spaced track members 146 include mutually-facing tile receiving channels 162 and 164 (Fig. 13A), and tiles are mounted to the framework by receipt of the upper and lower edges of a tile within the tile-receiving channels in the manner discussed at paragraph [0117] and shown in Figs. 13A and 13B. As discussed at paragraph [0139], the tile may include a storage area extending into the framework interior, such as body portion 272 of storage tile 270, shown in Figs. 37 and 38.

Amended Claims 40, 56, and 61 are not obvious over Hellwig et al. '005 in view of Kelley et al. '539 because each of the foregoing references fails to disclose the claimed manner by which the tiles are attached to the track members of the partition system framework.

By contrast, as described above, covers 4 of the partition system of Hellwig et al. '005 include clips (unnumbered) on their lower and upper rear sides that engage behind the vertical flanges of the upper and lower members 15 and 17 of horizontal members 14 of frames 10, as shown in Figs. 4 and 6. The upper and lower edges of the covers 4, however, are not themselves received or retained by the upper and lower members 15 and 17 of horizontal members 14 of frames 10. In the partition system of Kelley et al. '539, referring to Fig. 4 and as discussed at col. 10, lines 8-37 thereof, tiles 30 are mounted to vertical frame members 42 by first inserting clips 68 of tiles 30 into opening 62 of frame members 42, and thereafter pivoting the tile 30 to a vertical position to engage spring clips 69 of tile 30 within openings in vertical frame members 42.

Therefore, independent Claims 40, 56, and 61 cannot be obvious over Hellwig et al. '005 in view of Kelley et al. '539.

The Examiner's attention is respectfully directed to co-pending U.S. Application Serial No. 11/533,206, also under examination by the Examiner, which includes claims directed at least in part to the structure and operation of the track members.

New Claims 67-69 depend from independent Claims 40, 56, and 61, respectively, and each call for the track members to be separate from the framework and mounted to the framework by hanging the track members from the sides of the framework. Hellwig et al. '005 and Kelley et al. '539 each lack this feature, rather, as described above, the tiles in the foregoing partition systems are mounted directly to the framework rather than being mounted to track members that are themselves mounted to the framework by hanging the track members from the sides of the framework.

Application Serial No. 10/797,465  
Amendment dated November 27, 2007  
Reply to Office Action dated November 8, 2007


For the foregoing reasons, Applicants respectfully submit that independent Claims 40, 56, and 61, as well as the claims which depend therefrom, are in condition for allowance.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicants respectfully submit that the application is in condition for allowance and respectfully request allowance thereof.

In the event Applicants have overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefore and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: November 27, 2007

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Name of Registered Representative

  
Signature

November 27, 2007

Date